

**Incident Narrative
10-07-476**

MAGISTRATE COURT RULE 6-203

STATE OF NEW MEXICO

IN THE MAGISTRATE COURT
RIO ARriba COUNTY
STATE OF NEW MEXICO

V

Pettine, Kristian

STATEMENT OF PROBABLE CAUSE

The above defendant has been arrested without a warrant for the following reasons (set forth a plain, concise and definitive statement of facts establishing probable cause):

On Saturday, July 31st 2010 I was dispatched to 1201A North Paseo De Onate in reference to an Assault. While en-route, dispatch told me that the victim who called 911 had run across the road to the Chevron gas station and was hiding from the suspect only identified as "Estevan" who had walked toward the Northern New Mexico Community College. I traveled to the location from the area of Spruce Street and passed the College but was UN able to locate anyone. I proceeded to the residence and immediately saw a male, female and a female toddler who was wearing nothing but a very obviously soiled and thick, heavy diaper in 80 degree plus weather, sitting on the front steps of the home which is also the office of American Spirit Mobile Homes. I asked the male and female what happened, and they both told me nothing and started to giggle. I asked the two if they had called 911 or heard anything about a gun, and they continued to giggle and the male later identified as Mr. Steven Marquez pointed behind me and said here he comes now, at which point another male stepped out of the home seeming very upset and a third male was crossing Paseo De Onate and also seemed very upset. I asked the male who was crossing the road what was going on? And he told me a male had pulled a gun on him and told him "you fagots don't belong here". The male who was the reporting person, identified himself as Mr. Alfonso Gurule. Mr. Gurule told me he was in Espanola with his friends, one of whom was visiting her husband who was the home owner of the residence, and father of the suspect. While I was speaking to Mr. Gurule the female who was identified as Mrs. Kristian Pettine walked up and said there was no problem. I asked Mrs. Pettine who was the child's parents? And she told me the child was her daughter. While speaking to Mrs. Pettine I detected the odor of an intoxicating beverage on her person and also saw several bottles of beer on the front step, inside the house, and broken in the front yard. I asked Mrs. Pettine how much alcohol she had to drink, and she told me "just a couple". Mrs. Pettine was having a difficult time standing still and not swaying, and was also slurring her words and yelling during normal conversation periods. Mr. Gurule continued to tell me what had happened and that he "just wanted to make a report because it was not cool" I asked Mrs. Pettine where her daughter's father was and she told me he was somewhere in Albuquerque, and very abusive. I asked Mrs. Pettine if there was anyone else in the home in an attempt to find someone suitable to take care of

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the baby identified as Kolby Pettine and two years of age, at which point two other males walked out of the home. I then spoke to the two males later identified as Mr. Antonio Gallegos, and Mr. Andre Gallegos. Mr. Gallegos was highly intoxicated as were the rest of the adults at the location and Andre was not, however Andre is seventeen years of age and the step brother to Kolby. Mr. Gallegos is Mrs. Pettine's current husband. I had dispatch contact the on call person for Children Youth and Families Department due to the fact that all the adults were highly intoxicated and the only sober individual beside Kolby was Andre, a child himself. While I was waiting for CYFD to call me, Mr. Gallegos started stumbling around asking myself, Mrs. Pettine, and Mr. Gurule what was going on and was told by Mr. Gurule that Estevan had pulled a gun on him. After speaking to everyone I found out Estevan is Mr. Gallegos's other son. Mr. Gallegos became very passive aggressive towards Mr. Gurule and tried grabbing him and telling him to shut his "fucken mouth and quit lying." Mr. Gurule told him "I'm not lying. He did and it's not ok." I separated Mr. Gallegos and Mr. Gurule and requested for another Officer to my location. Kamille, the on call CYFD case worker called me and I informed her of the situation and Officer Robert Vigil arrived and assisted me. While I was waiting for CYFD to call me back with a determination to take Kolby into State custody or not, Mr. Gallegos started to walk around yelling that the only guns he had were in his house, and he is a business man in this town, and pays taxes and also threatening Officer Vigil and myself that he was going to sew us, and call Judge Naranjo and also stated that we needed to leave now because we were on his property. Andre walked back into the home, and after repeatedly telling Mr. Gallegos to stand by the rear of my Police car Mr. Gallegos made a hand gesture and said I'm done here and turned around walking into his home. Officer Vigil and my-self yelled loudly several times for Mr. Gallegos to stop and had to run after Mr. Gallegos, who then turned around in the entryway of his home and pushed Officer Vigil in an aggressive manner when Officer Vigil Stopped Mr. Gallegos from entering the house. Officer Vigil used hand control techniques in an attempt to stop and place Mr. Gallegos in hand cuffs, at which time Mr. Gallegos started combatively resisting and I applied a drive stun to the left shoulder of Mr. Gallegos and he was placed into hand cuffs. Mrs. Pettine continued to move around the area instigating arguments and not give accurate or proper information and completely withheld information about herself and Kolby. I arrested Mr. Gallegos for Battery on a Police Officer and Resisting, Evading, or Obstructing an Officer. I arrested Mrs. Pettine for Resisting, Evading, or Obstructing an Officer and I took into custody for detoxification Mr. Jason Garcia, Mr. Steven Marquez, and Mr. Alfonzo Gurule. I asked dispatch to have the Juvenile Probation Office contact me and I advised them of the information and shortly thereafter authorized for Andre to be taken to the Youth Shelter for protective custody. I had dispatch send an ambulance to my location to have Kolby transported to the Espanola Hospital for a medical evaluation where Kamille from CYFD took custody of Kolby for a forty eight hour hold, due to the fact that Mrs. Pettine would not provide any contact information for Kolby's biological father, and was in no condition to properly care for Kolby. Through further investigation I found Kolby's father identified as Mr. Antonio Londono-Reales, does share custody. Officer Vigil obtained verbal consent from Mrs. Pettine to search her silver in color Jeep SUV which had a very apparent smell of alcohol, and found a small brown in color dog inside, and I located a very large clear bottle of clear alcohol, and limes. I also found several bullets and a loaded 9mm hand gun magazine on top of the center console, the car seat was not properly buckled in and very loose and filthy, I also found dog urine in the center console next to a bag containing one diaper, and vomit on the right middle rear floor board area by Kolby's car

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seat. Officer Vigil requested for Animal Control to pick up the dog and the keys to the jeep were secured inside the ignition. Sgt. Jeff Martinez and I walked through the home to make sure all doors and windows were secured and locked and while doing so I saw a rifle appearing to be a .22 caliber leaning against the wall next to the bed in the master bedroom, which could have been easily accessible to Kolby. I also saw beer bottles throughout the home and broken glass which could have been very hazardous to Kolby due to the fact that she was not wearing any shoes or clothes. Sgt. Martinez, Officer Vigil, and Myself all transported the adults and Andre to EDC, where they were booked accordingly. This report will be forwarded to CYFD. There is no further information at this time, and if any further information becomes available this officer will submit a supplemental report.



Jeremy Apodaca
Officer, EPD #14

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